

Testimony of Melina Laboucan-Massimo

**House Committee on Energy and Commerce—Subcommittee on Energy and Power
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Thank you for inviting me to be here today.

My name is Melina Laboucan-Massimo. I come from Northern Alberta, Canada. I am a member of the Lubicon Cree First Nation, which is one of the many communities who are feeling the brunt of intense fossil fuel development due tar sands expansion. In the past 5 years I have worked with other communities in Northern Alberta and British Columbia that are very concerned about the approval of new tar sands pipelines due to potential spills, but also because it will increase pressure for more tar sands expansion in Alberta.

For those of us in Canada who are experiencing the detrimental effects of the Alberta Tar Sands, it is encouraging to see that many decision-makers and citizens in the United States are beginning to ask questions around whether or not the tar sands are the right direction we should be pursuing in an already carbon constrained world. We are particularly concerned about the looming threat of the expansion that would be enabled by the Keystone XL pipeline because, despite what you may have heard, the other proposed tar sands pipelines through British Columbia will not be built soon or ever. This is because even if they are approved, they will likely be tied up in the courts for many years due to constitutional challenges from affected First Nations, who have a unique legal status within the Canadian constitution.

I have personally felt the impacts of both pipeline spills, and the tar sands-driven industrialization of the landscape.

Last spring I returned home to where I was born to witness the aftermath of one of the largest oil spills in Alberta's history. What I saw was a landscape forever changed by oil that had consumed a vast stretch of the traditional territory where my family had once hunted, trapped and picked berries and medicines for generations. Days before the federal or provincial government admitted that this had happened my family was sending me text messages telling me of headaches, burning eyes, nausea and dizziness asking me if I could find out more information as to if it was an oil spill and how big it might be. This oil spill was from a multi-use pipeline which carried tar sands oil, sweet light crude as well as condensate. Due to the corrosive nature of tar sands oil it is no surprise that this was not the first major spill from this pipeline. In 2006 more than 1 million litres (7,500 barrels) was spilled and according to the Alberta Energy and Utilities Board (EUB), "stress corrosion cracking and external coating failure caused the release."¹

¹ <http://www.ercb.ca/docs/new/newsrel/2007/nr2007-14.pdf>

It wasn't until the day after the federal election that the information was released of the magnitude of the spill – 28, 000 barrels or 4.5 million litres of oil had soaked the land – this is 50 per cent larger than the tar sands oil spill in the Kalamazoo River in Michigan the year before.

Soon afterward the story was swept under the carpet away from the eyes of the public yet it took until the end of the year for the official clean up to be done, but just like in Michigan we know that the land and water in that area will never be the same.

One of the saddest and most frustrating points about this is that my family has not been the first nor will it be the last to experience this terrifying and intense situation when an oil spill happens nearby. We have seen a oil spills happen all over North America like the 12 leaks from the first phase of the Keystone during its first year of operation.

Despite the fact that Canada prides itself on being a free and democratic society where local communities are respected and environmental regulations are superior to most nations - the sad fact is that Canada is from far from it.

In reality Canada and more specifically the province of Alberta have a lax and failing environmental monitoring system with little enforcement for its own laws when it comes to producing the tar sands.

RAMP - The Regional Aquatics Monitoring Program, which is supposed to help monitor the oil sands region has been called incompetent. As early as 2004, a scientific peer review of the program "raised significant concerns about the Program itself. They felt there was a serious problem related to scientific leadership, that individual components of the plan seemed to be designed, operated and analyzed independent of other components, that there was no overall regional plan, that clear questions were not being addressed in the monitoring and that there were significant shortfalls with respect to statistical design of the individual components."²

It was only after scathing criticism of RAMP was published in scientific journals and received extensive media coverage that both the federal and provincial governments appointed review panels, which found that RAMP was, in essence, designed to fail when it came to measuring and assessing environmental change.

When companies violate environmental regulations we rarely hear of these companies being prosecuted. There have been thousands of 'alleged contraventions', notifications, and releases with little or no evidence of enforcement as seen in a database compiled

² G. Burton Ayles, Monique Dube and David Rosenberg, Oil Sands Regional Aquatic Monitoring Program (RAMP) Scientific Peer Review of the Five Year Report (1997-2001). Submitted to: RAMP Steering Committee February 13, 2004.

by Dr. Kevin Timoney which lists thousands of pollution-related “incidents” in the tar sands.³

The evidence is compiled in the database is information that was accessed from Alberta Environment documents which detail thousands of incidences from licensed and unlicensed discharges of pollutants, tailings pond leaks, chronic pollution, acute pollution incidents, habitat destruction, failure by industry to maintain pollution monitoring equipment, poor government and industry documentation of reclamation, and a chronic lack of enforcement by government.

For example, Alberta Ambient Air Quality Objectives were exceeded 1,556 times in 2009 which is significantly more than the 47 times exceedances were recorded in 2004.

The government of Alberta actually allows industry to self-report. In this system where there is no independent third party stringently regulating, we have often found that profit takes precedence over environmental integrity of the area, and the situation in Alberta is one where our pristine ecosystems are being highly compromised.

For decades, we have been told that new technology will solve these environmental problems. But the reality has been that they usually just move the problem around, like pumping toxic waters underground where they can slowly leak into aquifers rather than storing them in ponds where they leak into rivers and streams. Or how in situ production avoids open pit mining, but fragments an equivalent amount of habitat while resulting in much higher greenhouse gas emissions.

Meanwhile, the scale of production keeps increasing and the overall problem gets worse.

We are in desperate need of a cumulative environmental assessment of the region as this has not been done despite tar sands projects being in operation for over 40 years. Despite claims by companies that they will “reclaim” the land that they disturb, we have seen very little reclaimed in the region.

Companies will leave irreparable irreversible damage to the land and our homes. The Alberta government claims otherwise, vowing to “reclaim” the land – however, many prominent scientists dispute that this is even possible. As of December 2010, only 0.15% of the land devastated by tar sands mining operations has been certified as reclaimed. The Proceedings of the National Academies of Sciences of the United States of America published research just last week stating that “companies have **no obligation** to restore or compensate for the destroyed wetlands” and “any suggestion that oil sands reclamation will put things back the way they were is **greenwashing**.”⁴

³ <ftp://globalforestwatch.ca/PublicFTP/TarSandsEnvImpacts/>

⁴ <http://www.pnas.org/content/early/2012/03/06/1117693108.full.pdf+html?with-ds=yes>

The building of the Keystone XL will not only increase tar sands expansion but it will exacerbate the problems we are already seeing in the tar sands. There are First Nation communities in Alberta that are challenging tar sands expansion in the courts namely the Beaver Lake Cree First Nation and Athabasca Chipewyan First Nation. The Beaver Lake Cree is currently challenging the Canadian and Alberta government for infringing on their treaty rights in regards to tar sands projects and its associated infrastructure. The Athabasca Chipewyan First Nation is currently suing Shell and will also be challenging the approval of the Pierre River mine in the courts as well.

First Nations in British Columbia are adamant about not allowing the Enbridge pipeline through their traditional territories. Over 100 First Nations have signed onto a declaration to oppose the construction of the Enbridge pipeline and the associated super tankers on the west coast.

First Nations also are willing to pursue litigation if the Enbridge pipeline is approved in Canada as they have constitutionally protected rights under section 35 which protect inherent Aboriginal and Treaty Rights.

First Nations are not the only ones to oppose this pipeline. In British Columbia, surveys show that 80% of British Columbians oppose super tankers on the Pacific West Coast. Many people do not think the pipeline or super tankers will benefit the province of BC especially with a thriving fishing and eco-tourism economy, which brings in over \$1 Billion dollars to BC annually.

Where I come from billions of dollars have come out of our traditional territory yet to this day my family has no running water. The Indigenous communities that have lived in these areas for generations upon generations are being pushed out and unable to practice their treaty rights, which are constitutionally recognized in Canadian law.

These rights are not being respected nor protected. It is becoming more and more difficult to harvest sacred traditional medicines from the muskeg or pick berries in the forests - for the living and breathing ecosystems that my ancestors lived on sustainably for thousands of years will be lost if we continue down this path.

We see abject poverty in the richest province in the country. First Nation communities are living in third world conditions while they live in the midst of a first world country. We see Aboriginal and Treaty Rights being violated in the name of the tar sands which are enshrined in the Canadian Constitution itself under Section 35.

Tar Sands expansion will eventually drive out much of the remaining wildlife in the area that has not already been affected by In Situ projects or the massive open pit mines that are the size of entire cities. In my lifetime I will witness animal species go extinct in the tar sands. The woodland caribou, a food source that First Nations have used for

millennia are projected to go extinct by 2040. And not only is wildlife being driven out and declining in population but it is become a contaminated food source for local communities.

As we see the landscape change, my father who is a Cree hunter has more and more difficulty in finding moose to feed our family and community. A couple of years ago, he found 3 tumours in the carcass of a moose while hunting in our traditional territory.

Pristine forest, wetlands, bogs and fens are torn up and destroyed which will be replaced by acidic soil, end cap lakes and tree farms – a mere shadow of what once was.

Currently we have toxic tailing ponds sitting on the land in northern Alberta that span over 170 square kilometers which is equivalent to 42,000 acres – this is not including the toxic waste that is produced by In Situ projects which are either injected back into the earth or taken away to sit in landfills.

These tailing ponds contain a whole slew of toxic chemicals from arsenic, cyanide, mercury, lead, benzene, ammonia, polycyclic aromatic hydrocarbon and naphthenic acids some of which are known carcinogens.

These tailing ponds are leeching into the Athabasca watershed. It has been estimated that every day over 11 million litres or almost 3 million gallons leached into the watershed.

It is therefore no wonder that communities are reporting the changes they are seeing to the water, fish and the health in their communities.

Last week I was visiting the community of Fort McKay, which is completely surrounded by tar sands mines and in situ projects. They have been advised NOT to drink water or cook with the tap water or take long showers. Children are developing sores on their bodies from exposure to the water they have to bathe in. The First Nation has had to cart bottled water in from Fort McMurray for community members, which is just under an hour's drive away.

Communities are also pulling mutated fish with tumours and boils on them out of the various rivers and lakes in the region and unable to consumed these as a part of their diet.

We are also seeing elevated rates of cancers in the north of Alberta. I myself have had family members live and die with cancer. And we are also seeing increased rates of respiratory illnesses such as emphysema, asthma, and chronic pulmonary disease due to the increased level of sulfur dioxide, and hydrogen sulfide.

A cancer study done by Alberta Health Services revealed that there was a 30% increase in cancers in Fort Chipewyan compared with expected over the last 12 years. Leukemias and lymphomas increased by 3-fold and Bile duct cancers increased by 7-fold and other cancers such as soft tissue sarcomas, and lung cancers were elevated. Almost all of the cancer types that were elevated have been linked scientifically to chemicals in oil or tar.

These types of cancers have also been linked in scientific literature to petroleum products, including VOCs, dioxin-like chemicals, other hydrocarbons, and PAHs which are chemicals found in tar and soot.

We need a safer energy future for both Canada and the United States which is why it is utterly essential that US decision-makers look carefully at the impacts I have mentioned, as the Keystone XL will not only create more expansion of the tar sands but this expansion will continue to exacerbate the devastating effects we are already feeling in communities impacted by the tar sands.

Extracting oil from the tar sands is one of the most expensive and most environmentally destructive ways to produce oil in the world. While open pit mines are more visually horrifying, SAGD is far more carbon-intensive, water-intensive, and energy-intensive, which will be 80% of the way tar sands will be produced.

Continuing to produce this type of fossil fuel in an already carbon distraught world - is essentially carbon suicide. Not only are we producing CO₂ emissions at an unsustainable rate, but we are also fragmenting and destroying one of the last intact boreal forests in the world that helps us to keep carbon in check. And this is the path that the Harper government wants to keep us on for the next 50 to 100 years.

We have a choice to change the direction we are taking in the world. We could become world leaders in the clean, renewable energy solutions that meet our energy needs without undermining the health of our communities and ecosystems.

We won't get there, however, if we try to attach technofixes onto what is, at every stage, a profoundly destructive form of energy.

The reality is that the tar sands are managed to maximize profits, and not to protect the environment or downstream communities like the one where my family lives. We have endured decades of broken promises, which has taught us that corporate promises of new technologies that will repair this damage are simply empty words – greenwash – intended to reassure people like yourselves that this time it will be different.

The truth is that the result won't change as long as we focus our ingenuity and investment in scraping the bottom of the barrel in a world that is running low on conventional oil. If constructed, the Keystone XL would deepen our mutual addiction to

dirty oil and enable the ongoing expansion of the tar sands at the expense of cleaner alternatives.

I urge you to look beyond what is good for the oil companies' next few quarterly profits, and think about what is in the best interest of the next generation.

Thank you.